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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,143	04/06/2001	Kenichi Mitsui	33483	3204
116	7590	02/03/2006	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			RAMAKRISHNAIAH, MELUR	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/807,143	MITSUI ET AL.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-24-05/5-2-05</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (US PAT: 6,377,818, hereinafter Irube) in view of Parulski et al. (US PAT: 5,900,909, hereinafter Parulski).

Regarding claim 1, Irube discloses a video telephone apparatus as shown in figure 1 comprising image pick-up means (4) for picking up an image of an object and generating a transmit picture signal according to the image of the object (col. 5 line 64 through col. 6 line 6), communication means (17) for transmitting and receiving the transmit picture signal and a receive picture signal (col. 4 lines 33-51), display means (14) for displaying video information based on the receive picture signal received from the communication means (col. 4 lines 16-25). Irube differs from the claimed invention in not specifically teaching detecting means for detecting an orientation of the video telephone apparatus and rotating means for rotating the orientation of the image in at least either of the transmit picture signal and the received picture signal based on the detected orientation of the video telephone apparatus and independent of the orientation of a distant party video telephone apparatus. However, Parulski teaches an electronic device, i.e., a camera, having an orientation sensor (40, figure 2), read as detector means, for detecting the orientation of the electronic device (col. 3 lines 63-65)

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and a processor (22, figure 2), read as rotating means, for rotating the orientation of an image based on the detected orientation of the electronic device, which is independent of the orientation of a distant party video telephone apparatus (col. 3 line 60 through col. 5 line 4), in order to ensure that the image is correctly displayed on screen without use of special application program. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Irube in having detecting means for detecting the orientation of the video telephone apparatus and rotating means for rotating the orientation of the image in at least either of the transmit picture signal and the received picture signal based on the detected orientation of the video telephone apparatus and independent of the orientation of a distant party video telephone apparatus, as per teaching of Parulski, in order to ensure that the image is correctly displayed on screen without use of special application program.

Regarding claims 2-3, Irube discloses the detector means for detecting the orientation of the portable communication terminal apparatus having image pick-up direction detector means and display direction detector means for detecting the vertical direction of the display means (col. 22 lines 4-26).

Regarding claims 4-5, Irube teaches to perform rotation processing on the transmit picture signal, as well as the receiving picture, based on the orientation of the portable communication terminal apparatus (figures 24-25 and col. 22 line 43 through col. 23 line 65).

Regarding claim 12, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 13, Parulski teaches to generate an image for displaying by rotating the orientation of an image (col. 4 lines 15-26).

Regarding claims 14-15, Parulski teaches an upper side of the picked-up image in gravity direction of the electronic device being rotated so as to be an upper side of the picture of the transmit picture is made as the upper side of the picked up image in orientation (figure 3 and col. 5 lines 41-65).

3. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irube) in view of Parulski as applied to claim 1 above, and further in view of Lands et al. (US PAT: 6,411,828, hereinafter Lands).

Regarding claim 6, the combination of Irube and Parulski differs from the claimed invention in not specifically teaching the portable communication terminal apparatus comprising a first receiver means for regenerating a receive audio signal received from the communication means, a second receiver means for regenerating the receive audio signal received from the communication means to a signal different from that of the first receiver means and a receiver selector means for switching between the first receiver means and the second receiver means based on the orientation of the portable communication terminal apparatus. However, Lands teaches a wireless terminal reproducing audio signals received from a caller in handset mode or speaker phone mode based on an indication of the orientation of the wireless terminal in order to improve quality of sounds (col. 4 line 17 through col. 5 line 29, so that it recognizes Lands in having a first receiver for regenerating received audio signals in the handset mode, a second receiver for regenerating received audio signals in the speaker phone

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mode, which is different from the handset mode, and means for switching between the first receiver and the second receiver based on the orientation of the wireless terminal. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Irube and Panllski in having the first receiver means for regenerating a receive audio signal received from the communication means, the second receiver means for regenerating the receive audio signal received from the communication means to the signal different from that of the first receiver means and the receiver selector means for switching between the first receiver means and the second receiver means based on the orientation of the portable communication terminal apparatus, as per teaching of Lands, because it improves quality of sounds.

Regarding claim 7, the combination of Irube and Parulski differs from the claimed invention in not specifically teaching the portable communication terminal apparatus comprising a first transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, a second transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, whose signal level differs from that of the first transmitter means and a transmitter selector means of switching between the first transmitter means and the second transmitter means based on the orientation of the portable communication terminal apparatus. However, Lands teaches a wireless terminal transmitting audio signals to a caller in handset mode or speaker phone mode based on an indication of the orientation of the wireless terminal in order to improve quality of

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sounds (col. 4 line 17 through col. 5 line 29), so that it recognizes Lands in having a first transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, a second receiver for transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, whose signal level differs from that of the first transmitter means and a transmitter selector means of switching between the first transmitter means and the second transmitter means based on the orientation of the portable communication terminal apparatus. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Irube and Parulski in having the first transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, the second transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, whose signal level differs from that of the first transmitter means and a transmitter selector means of switching between the first transmitter means and the second transmitter means based on the orientation of the portable communication terminal apparatus, as per teaching of Lands, because it sounds. improves quality of

Regarding claims 8-9, Irube discloses picked-up image receiver means for switching between different states based on the vertical direction of image pick-up means detected by image pick-up means detector means and a display receiver selector means for switching between different states based on the vertical direction or horizontal direction of the display means detected by display means detector means (col. 22 line 44 through col. 23 line 65).

Regarding claims 10- 11, the limitations of the claims are rejected as the same reasons set forth in claims 8-9.

Response to Arguments

4. Applicant's arguments filed 12-8-2005 have been fully considered but they are not persuasive.

Rejection of claims 1-5 and 12-13 under 35 U.S.C as being obvious over Irube et al. (US PAT: 6,377,818, hereinafter Irube) in view of Parulski et al. (US PAT: 5,900,909, hereinafter Parulski): Regarding rejection of claims, Application argues that "None of the reference discloses or suggest "detector means for detecting the orientation of the video telephone apparatus and rotating means for rotating the orientation of an image in at least either of said first transmit picture signal and said receive picture signal based on the detected orientation of the video telephone apparatus and independent of the orientation of a distant party video telephone apparatus, " as recited in claim 1. Similar language is found in claim 12. The office action cites as teaching these elements as teaching elements (Office action, 09/06/2005, page 3)". Applicant further, regarding Parulski reference, argues that "Although Parulski detects the orientation of camera, Parulski does not discloses or suggest detecting orientation of a video telephone apparatus. Therefore, Parulski fails to discloses or suggest detector means for detecting the orientation of a video telephone apparatus. Since Parulski does not detect the orientation of a video telephone apparatus, Parulski also fails to discloses or suggest rotating means for rotating the orientation of an image in at least either of said transmit picture and said receive picture signal based on the detected orientation of the video

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telephone apparatus. Therefore, if combined, the references do not disclose or suggest all elements of the claimed invention". Regarding this argument, contrary to applicant's interpretation of references, especially Parulski reference, Parulski clearly teaches detection of orientation of a camera, as acknowledged by the applicant, and Parulski also teaches the following: orientation detection section provides an orientation signal recognizing either vertical or horizontal orientation of the camera relative to the subject, and an image processor is responsive to the orientation signal for processing the image signal and correcting the orientation thereof so that the image is output from the image processor in predetermined orientation (see abstract). This clearly reads on applicant's claim limitation such as rotating means for rotating the orientation of an image signal based on orientation of the detected orientation of the imaging device. Therefore, Irube reference can be modified to obtain a video telephone apparatus and a rotating means for rotating orientation of an image in at least either of the said transmit picture and said receive picture signal based on the detected orientation of the video telephone apparatus and independent of the orientation of the distant party video telephone apparatus so that an image taken by a video telephone regardless of its holding direction is transmitted so as to be oriented in its correct up-and-down direction and that an image is displayed so as to be oriented in its correct up-and-down direction without use of special application software by using teaching of Parulski.

Regarding rejection of claims using the above references, Applicant further argues that "there is no suggestion or motivation for one skilled in the art at the time invention was made to combine Parulski with Irube to arrive at the claimed invention".

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Applicant further proceeds with the argument that "Parulski discloses an electronic still camera 10 with orientation sensor 40 to determine ... Therefore, one skilled in art would not have combined these references at relevant time to arrive at the claimed invention". Regarding this, as stated above, Irube teaches video telephone which can be oriented in different direction while communicating with other video telephone and has a processing means that processes the image to be displayed correctly depending upon direction of the video telephones in communications (col. 2 lines 34-45) and Parulski also teaches the following: orientation detection section provides an orientation signal recognizing either vertical or horizontal orientation of the camera relative to the subject, and an image processor is responsive to the orientation signal for processing the image signal and correcting the orientation thereof so that the image is output from the image processor in predetermined orientation (see abstract). This clearly reads on applicant's claim limitation such as rotating means for rotating the orientation of an image signal based on orientation of the detected orientation of the imaging device. And therefore, it would be obvious to a person skilled in the art at the time invention was made to solve the problem of transmitting the image taken by camera in a video telephone regardless of its holding direction so that an image taken is transmitted so as to be oriented in its correct up-and-down direction and that an image is displayed so as to be oriented in its correct up-and-down direction without use of special application software by using teachings of Parulski.

In light of this explanation, rejection of claims 1-15 is maintained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

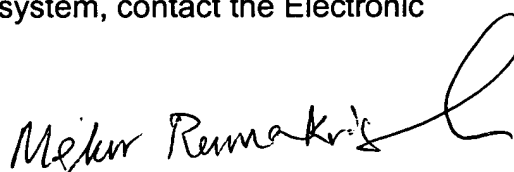
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643